

Message Text

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ACTION EB-11

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EXCON

E.O. 11652: XGDS-1

TAGS: ESTC, COCOM

SUBJECT: JAPANESE PROPOSAL ON APPLICABILITY OF NOTE 4 - IL 1565

REF: A. COCOM DOC DEF (73) 1565/1

B. STATE 236810

SUMMARY: THIS MESSAGE TRANSMITS REVISED UK SUGGESTIONS FOR "PROVISIONAL" RESOLUTION OF JAPANESE PROPOSAL TO ELIMINATE CHINA-DIFFERENTIAL ASPECTS OF PRESENT EASY ACCESS PROVISIONS OF IL 1565 NOTE 4, PREDICTED UPON EARLY, BUT INDEFINITE, UNDERSTANDING TO SEEK REVIEW OF ITEM BEFORE FULL 1974 LIST REVIEW OF POSSIBLE, AND IN ANY EVENT, IMPLEMENTATION OF ANY AGREED REVISION TO THIS ITEM BEFORE BALANCE OF 1974 LR CHANGES WOULD BECOME EFFECTIVE. ACTION REQUESTED: INSTRUCTIONS IN TIME FOR DEC 11 COCOM MEETING. END SUMMARY.

1. USDEL APPRECIATES REF B, WHICH HE USED AS BASIS FOR OFF-AND ON-THE-RECORD STATEMENTS AT DEC 4 COCOM MEETING. SUBSEQUENT BILATERALS WITH JAPANESE AND UK DELEGATES WERE HELD TO ASSURE THEY UNDERSTOOD SENSE OF US POSITION. UKEL UNDERTOOK TO INFORM LONDON PROMPTLY BUT THOUGHT US MIGHT BE READING TOO MUCH INTO UK DESIRE FOR LIMITED VALIDITY NOTE, PARTICULARLY "FORMALITY" WITH WHICH THIS MIGHT BE IMPLEMENTED. UK DID NOT FORESEE ANY INCORPORATION OF TIME-LIMITATION IN ITEM ITSELF, BUT MERELY INTENDED THAT
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REF A PROPOSAL, AS EXPANDED BY LIMITED VALIDITY WORKING,

WOULD APPEAR IN COCOM RECORD OF DISCUSSION.

2. WE UNDERSTAND THAT CONTRARY TO ADVICE OF JAPANESE DELEGATE, TOKYO INSTRUCTED JAPANESE EMBASSY WASHINGTON TO APPROACH DEPT AGAIN ON THIS ISSUE, AND ALSO THAT DEPT REACTION TO THIS APPROACH PARALLELED REF B.

3. UKDEL INFORMED US EARLY AFTERNOON DEC 7 OF NEW INSTRUCTIONS FROM LONDON, FORMULATED AFTER RECEIPT OF REF B POSITION. HE WILL RESPOND SUBSTANTIALLY AS FOLLOWS AT DEC 11 COCOM MEETING: IN EFFORT TO MEET JAPANESE CONCERNS, AND TAKING ACCOUNT OF US VIEWS ON TIMING OF REVIEW 1565, UK PROPOSES THAT THERE BE AN AGREEMENT ON THE RECORD THAT -

A. THE JAPANESE PROPOSAL IN REF A THAT NOT 4 BE APPLIED PROVISIONALLY TO ALL PROSCRIBED DESTINATIONS;
B. THE COMMITTEE'S AGREEMENT ON SUCH EXTENSION IS WITHOUT PREJUDICE TO THE POSITIONS WHICH ANY MEMBER MAY TAKE DURING THE SUBSEQUENT REVIEW OF IL 1565.

4. FOREGOING AGREEMENT WOULD FURTHERMORE BE WITH THE UNDERSTANDING THAT A

A. IT REMAINS THE COMMITTEE'S OBJECTIVE RPT OBJECTIVE TO FINISH THE PENDING REVIEW OF IL 1565 BEFORE STARTING ON THE NEXT FULL SCALE REVIEW OF THE COCOM LISTS. THE AGREEMENT IN PARA 3 (A), THEREFORE, SHOULD NOT NEED TO APPLY FOR MORE THAN ONE YEAR; AND

B. THE EVENT THAT THE 1565 REVIEW COULD NOT BE COMPLETED IN THIS TIME SCALE (I) AGREED CHANGES IN THE DEFINITION OF IL 1565 SHOULD NOT NECESSARILY HAVE TO AWAIT THE COMPLETION OF THE GENERAL LR BEFORE BEING BROUGHT INTO FORCE, AND (II) THE COMMITTEE SHOULD REVIEW THE APPLICATION OF THE PROVISIONAL ARRANGEMENT IN PARA 3A AFTER ONE YEAR.

5. UKDEL INDICATED THAT IN THE LIGHT OF US CONCERNS ABOUT THE POSSIBLE NEGATION OF ITS AGREEMENT TO JAPANESE PROPOSAL, THE UK WOULD BE PREPARED TO INDICATE NOW THAT IF NECESSARY THE UK WOULD ENVISAGE THE EXTENSION OF THE PROVISIONAL APPLICATION OF JAPANESE PROPOSAL FOR A FURTHER ONE YEAR OR UNTIL THE TERMINATION OF THE 1974 LR, "WHICHEVER IS SHORTER, BUT NO MORE."

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6. UKDEL SAID HMG HAS SOUGHT HEREBY TO INDICATE THAT IT IS WILLING TO SHOW A FLEXIBILITY ON THE TIMING OF THE 1565 ITEM REVIEW BUT THIS FLEXIBILITY IS NOT DEFINITE. HE STRESSED THAT THE PURPOSE OF ITS AMENDED PROPOSITIONS WERE INTENDED TO INDICATE THAT THE ACCEPTANCE OF THE JAPANESE PROPOSALS SHOULD NOT IN ITSELF HAVE THE EFFECT OF CLOSING OFF ANY OPTIONS MEMBER GOVERNMENTS MIGHT HAVE WHEN WE COME TO

THE 1565 REVIEW.

7. UKDEL HOPED US MIGHT BE ABLE TO REACT TO FOREGOING AT DEC 11 DOCOM MEETING. HE WAS METING LATER WITH JAPANESE DEL AND INTENDED TO CIRCULATE SUBSTANCE OF FOREGOING TO OTHER DELS BY LETTER ON MONDAY, DEC 10.

8. REVIEWING FOREGOING WITH USDEL AFTER HE HAD HAD SIMILAR DISCUSSION WITH UKDEL, JAPANESE DEL FUKUDA POINTED OUT THAT PARA 3B ABOVE FORMULATION WAS ONE WHICH HIS AUTHORITIES HAD THEMSELVES DEVELOPED AND THAT THEY CONSIDERED IT WAS OF A TWO-SIDED NATURE: WHILE, OBVIOUSLY, IT DID NOT COMMIT OTHERS - PARTICULARLY UK - TO FOREGO REVIEW PROPOSALS WHICH MIGHT IMPLY OR EVEN RESULT IN DE FACTO DISTINCTION BETWEEN EUROPEAN AND ASIAN PROSCRIBED AREAS, NEITHER DID IT COMMIT JAPANESE FROM CONTINUING TO PRESS FOR ELIMINATION OF CHINA DIFFERENTIAL - PARTICULARLY THE DE JURE FORM WHICH PRESENT NOTE 4 REPRESENTED. AS A RESULT HE HOPED THAT THIS WOULD NOT PRESENT A STICKING POINT FOR US AUTHORITIES.

9. ACTION REQUESTED: INSTRUCTIONS IN TIME FOR DEC 11 COCOM MEETING.
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